## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 6, 18, and 35 are requested to be cancelled.

Claims 5, 7, 8, 17, 19, 23-25, 34, 36, 37, 39-41, 44, and 47 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

After amending the claims as set forth above, claims 5, 7-9, 17, 19-25, 34, 36-42, and 44-48 are now pending in this application.

1.     Rejection of Claims 5 and 34 Under 35 U.S.C. § 101 as Being Directed to Non-Statutory Subject Matter

On page 2 of the Office Action, claims 5 and 34 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner stated

> The claims include a step of applying a set of business rules to a
> set of data. The claims, however, lack a tangible result from
> the step.

Independent claim 5 has been amended to recite a combination including, among other elements, "providing a set of results, the set of results being based on the application of the set of business rules to the set of loan data, the set of results indicating whether there are any errors in the set of loan data."

Similarly, independent claim 34 has been amended to recite a combination including, among other elements, "applying the set of business rules to the set of loan data to generate a

set of results including an indication of whether the set of loan data is in compliance with the terms of the agreement."

Applicants submit that amended independent claims 5 and 34 are compliant with 35 U.S.C. § 101, and Applicants respectfully request that the rejection of claims 5 and 34 be withdrawn.

2.      Rejection of Claims 5-9, 17-25, and 34-41 Under 35 U.S.C. § 112 ¶ 2 as Being Indefinite

On page 2 of the Office Action, claims 5-9, 17-25, and 34-41 were rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated

> The scope of the step "applying" is indefinite in scope. That is the output that of this step is unclear. In addition, the algorithm for processing the loan data in accordance with a delivery process is unclear.
>
> The algorithm of the pre-submission logic is unclear.
>
> In claim 6 and 36, "a set of results" is indefinite in scope.

Applicants first point out that, as stated in the MPEP, "breadth of a claim is not to be equated with indefiniteness," and "[i]f the scope of the claims is clear, and if the applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph." MPEP § 2173.04 (citing In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). Applicants submit that the scope of the claims of the present invention is clear and the present claims are in compliance with 35 U.S.C. § 112, ¶ 2. Applicants have provided various exemplary illustrations from the present application below solely for the purpose of illustration and explanation, and such illustrations are not intended to limit the scope of the claimed subject matter.

In response to the Examiner's indication that the "scope of the step 'applying' is indefinite in scope" and that "the output of [the] step is unclear," Applicants point out that

independent claim 5 has been amended to recite a combination including, among other elements, "providing a set of results, the set of results being based on the application of the set of business rules to the set of loan data, the set of results indicating whether there are any errors in the set of loan data," to further identify and clarify the output (e.g., the set of results indicating whether there are any errors in the set of loan data) of the step of "applying a set of business rules to the set of loan data." Applicants submit that independent claim 5 is now definite and in compliance with 35 U.S.C. § 112 ¶ 2. Independent claims 17 and 34 have been similarly amended and are also believed to now be definite and in compliance with 35 U.S.C. § 112 ¶ 2.

In response to the Examiner's indication that "the algorithm for processing the loan data in accordance with a delivery process is unclear," Applicants respectfully disagree. For illustration, Applicants refer to independent claim 17, which recites a combination including, among other elements, "delivery logic, coupled to the rules engine, the delivery logic configured to process the set of loan data in accordance with a delivery process upon receiving a submission request from the seller," which Applicants submit is definite and in compliance with 35 U.S.C. § 112 ¶ 2. Applicants point out that as stated in the MPEP, the "[d]efiniteness of claim language must be analyzed, not in a vacuum, but in light of . . . [t]he content of the particular application disclosure." MPEP § 2173.02. Applicants submit that the claim language referred to by the Examiner is definite in light of the present disclosure. For example, as stated in ¶ [0052] of the present application, "[t]he delivery logic is the logic used to process loans when loans are delivered to the purchaser in connection with a purchase." FIGS. 4A-4C and ¶¶ [0054] – [0057] illustrate and describe the "delivery process" in detail. More specifically, FIG. 4C illustrates an exemplary embodiment of the steps that occur during the "delivery process" once the loan is "submitted [by the seller to the purchaser] and subjected to a post submission process." ¶ [0056]. Accordingly, Applicants submit that the "the algorithm for processing the loan data in accordance with a delivery process" referred to by the Examiner in the Office Action is definite and in compliance with 35 U.S.C. § 112 ¶ 2.

In response to the Examiner's indication that the "algorithm of the pre-submission logic is unclear," Applicants respectfully disagree. For illustration, Applicants refer to

independent claim 17, which recites a combination including, among other elements, "pre-submission logic for invoking the rules engine to process the set of loan data prior to processing the mortgage loan in accordance with the delivery process," which Applicants submit is definite in light of the present disclosure. For example, ¶ [0059] of the present application states, with reference to FIG. 4B, that a "seller may select a pre-submission process, such as determining a price or checking the loan against the set of business rules." Further, ¶ [0061] goes on to explain that "the delivery logic 88 enables a seller to submit the loan data to the purchaser for processing or the seller may invoke pre-submission processes such as determining a price based on the loan data or applying a set of business rules to the loan data." Accordingly, Applicants submit that the "algorithm of the pre-submission logic" referred to by the Examiner in the Office Action is definite and in compliance with 35 U.S.C. § 112 ¶ 2.

In response to the Examiner's indication that in "claim 6 and 36, 'a set of results' is indefinite in scope," Applicants point out that independent claims 5 and 34 have been amended to clarify the scope of the "set of results" recited in each of former dependent claim 6 (now cancelled) and dependent claim 36 (which depends from independent claim 34). Independent claim 5 has been amended to recite a combination including, among other elements, "the set of results indicating whether there are any errors in the set of loan data." Similarly, independent claim 34 has been amended to recite a combination including, among other elements, "the set of results indicating whether there are any errors in the set of loan data." Accordingly, Applicants submit that dependent claim 36, incorporating the above-recited limitation of independent claim 34, is in compliance with 35 U.S.C. § 112 ¶ 2.

Applicants submit that claims 5, 7-9, 17, 19-25, 34, and 36-41 are now in compliance with 35 U.S.C. §112 ¶ 2, and Applicants respectfully request that the rejection of claims 5-9, 17-25, and 34-41 be withdrawn.

3.      Allowable Subject Matter

One page 2 of the Office Action the Examiner indicated that claims 45-48 are allowable. Applicants thank the Examiner for the indication of allowance for claims 45-48.

Applicants point out that claim 47 previously depended from independent claim 17, and has been rewritten in independent form to incorporate all of the limitations of independent claim 17 and any intervening dependent claims.
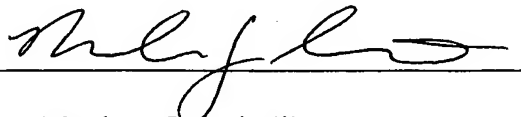
4.      Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date _____ 2/15/2007 _____          By _____

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